

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

February 10, 2005

I. CALL TO ORDER

Chair Judy Tessandore convened the meeting at 7:00 p.m.

II. ROLL CALL

Evangeline Anderson	Charles Booth
Jim Denton	Ethel Hanis
Claudia Hirschey	Roger Loschen
Michael Marchand	

III. MINUTES

Regular Meeting: Chair Tessandore presented the minutes of the Regular Meeting of January 13, 2005 for review and action by the Board members.

Action: Charles Booth moved and Ethel Hanis seconded the motion to adopt the minutes of the Regular Meeting of January 13, 2005. The Board voted unanimously to approve this record.

V. ADMINISTRATION

A. CHAIR'S REPORT

General Business

Chair Tessandore and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at Legislature 2005; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; (5) selecting new members to serve on the Board from 2005 – 2009; and (6) revisions to the Board Organization Rules to achieve compliance with new state and regional regulations. Committee members and staff will report periodically on each of these activities.

B. ORIENTATION

Suburban Cities Association: Karen Goroski, Director of the Suburban Cities' Association, spoke to Board about the agency's structure and function.

Presently, Suburban Cities Association (SCA) represents 37 or the 38 suburban cities in King County. It is a non-profit agency.

For 2005, Ms. Goroski reported that there are several major tasks to be accomplished. Paramount among the tasks will be the definition of the agency function – that is:

- Shall Suburban Cities Association serve as a networking agent?
- Shall Suburban Cities Association address specific issues relevant to one or more cities?
- Shall Suburban Cities Association establish regional policies for governance?

Additionally, Suburban Cities Association will be undertaking a major structural reorganization and revision of agency by-laws to reflect the new structure and function.

Because, historically, Suburban Cities Association has been primarily an opportunity for organization members to meet informally, there has been minimal opportunity for SCA to

address public policy issues. Presently, organization members are becoming more interested in the formulation and implementation of public policies to address local and regional governance issues. Foremost on the present agenda is the development of policies relating to human services and to solid waste management.

To date Suburban Cities Association has devoted minimal attention to the matter of annexation. However, as this topic is a key issue for many communities, the cities will likely formulate policies relating to annexation. It is likely that the cities will support a variety of tools to enable annexations (e.g., financial incentives, taxation, streamlining of procedures.) The cities recognize that the matter of regional governance will become more complex as the County Council transitions from 13 districts to nine districts later in 2005.

Suburban Cities Association members are welcome to advocate for other issues and it is likely that other issues will be included in the 2005 Work Program.

At the request of the Boundary Review Board members, Ms. Goroski expressed willingness to provide periodic reports on Suburban Cities Association programs.

King County Office of the Executive: Michael Thomas, Office of the King County Executive (Management and Budget) provided an update on the King County Annexation Initiative.

Mr. Thomas reported that Executive Office staff is working with government officials and community members residing within urban unincorporated areas to establish agreements and schedules to support transition to local jurisdictions either by annexation or by incorporation. Mr. Thomas estimates that larger unincorporated areas will be annexed or incorporated by 2006. Transition of some smaller areas is currently underway – e.g., the pending annexation by the City of Issaquah of Klahanie and Greenwood /South Cove.

Mr. Thomas provided a complete listing of areas which are being addressed in the King County Annexation Initiative (Attachment 1.)

King County acknowledges that many cities are facing substantial fiscal challenges in serving existing residents and businesses. For those communities, annexation of new territories may prohibit the provision of even minimum required public facilities and programs. Thus, King County is prepared to provide some incentives to support local governments.

Mr. Thomas believes that incentives other than King County funding will be necessary to encourage timely transition of unincorporated areas into cities. Such incentives could include the establishment of taxing districts, increased indebtedness limits, changes to capital improvement plans, service requirements, and/or streamlining of governance processes.

Mr. Thomas spoke with Board members about some of the challenges inherent in changes to taxation and service programs. For example, there may be constitutional issues and/or equity issues related to any taxing program that assesses funds from all citizens that will be utilized to serve only a small portion of a community. Similarly there may be issues related to the assessment of citizens for services which should appropriately be provided by the state government. It is hoped that the recent CTED Annexation Study will provide a basis for new laws and/or programs that will facilitate logical and equitable annexations and incorporations.

Mr. Thomas also summarized several pieces of pending legislation that are of interest to King County and that would also be of interest to the Boundary Review Board. These proposed bills are provided herein as Attachment 2.

C. COMMITTEE REPORTS

Chair Tessandore reported that preliminary Committee assignments will remain as proposed for the present. Final assignments will be established when Board membership is confirmed for 2005.

Personnel Committee:

Boundary Review Board Membership: Charles Booth and Lenora Blauman reported that the Office of the Governor has appointed Evangeline Anderson and Michael Marchand to new terms of service on the Boundary Review Board. The terms for Mr. Marchand and Mrs. Anderson will continue until January 31, 2009. Similarly, the Cities of King County have appointed A.J. Culver to a new four-year term of service on the Board.

Robert Cook representing the Fire District, will begin his term of office in March of 2005. The Board members expressed great appreciation to outgoing member Ethel Hanis for her excellent service to the Boundary Review Board.

The Office of the King County Executive is continuing to work to secure appointments for two positions on the Board.

As stipulated by RCW 36.93, the existing Board members will continue to serve until reappointments and new appointments are confirmed by the various appointing government agencies.

Legislative Committee:

Roger Loschen and Lenora Blauman reported that the State Association is actively monitoring annexation-related bills proposed to the Legislature. Michael Thomas also provided information concerning proposed legislation. To date five bills of interest have been placed on the docket for consideration by the House Local Government Committee and/or the Senate Government Operations Committee. The most relevant bills are:

HB 1285 provides authorization for cities that are required to plan under the growth management act to annex areas within their urban growth boundary; establishing a process to facilitate annexations between cities and counties.

This bill provides for annexation to be accomplished through interlocal agreements between a county and a city. The legislation provides for one public meeting to be conducted by the jurisdictions party to the agreement.

This bill would directly affect WSABRB because under this annexation method, the Boundary Review Board assessment would be specifically eliminated from the annexation process. Thus, there would be no neutral forum for public review. Further, there would be no independent review of the action to ensure logical and orderly growth.

Mr. Loschen reported that WSABRB has decided to take a position with respect to this bill, based upon the view that citizens deserve at least one opportunity to be heard by an impartial panel. The Boundary Review Board provides that review opportunity.

Moreover, the bill (as proposed) would violate the principles enunciated in the WSABRB Statement of Principles, namely those policies providing for: (1) an "open, accessible and responsive" process; and (2) disputes to be "decided in an even-handed manner by disinterested arbiters."

On that basis, WSABRB has prepared a Position Paper (See Attachment 3) reporting that the Association would support the bill's principle of annexation by interlocal agreement. However, the Association will support the bill only upon the restoration of opportunities for public review of the action before an independent body (i.e., the Boundary Review Board.)

The Position Paper has been transmitted to Marcia Fromhold, WSABRB legislative consultant, for communication to the House Local Government Committee. The Local Government Committee will be reviewing this bill in the near future.

HB 1932 provides for annexation by resolution of "islands." More specifically, the legislative body of a code city may by ordinance annex containing residential property owners to the city if there is within the city unincorporated territory containing less than 250 acres and having at least 60% of the boundaries of such area contiguous to the city or town. All cities in King County – except for the City of Seattle – are code cities. This bill specifically eliminates citizen referenda. The Boundary Review Board is specifically omitted from the review process as well.

The Association is considering whether to take a position on this bill, based upon the concerns of some members with respect to: (1) the change in the definition of "island" – now defined as a maximum of 100 acres with a minimum 80% contiguous boundaries; and (2) the abolition of public review as a result of the proposed elimination of the review by the boundary review board and the termination of provisions for referenda.

SB 5334 authorizes a surtax to be imposed (with voter approval) by annexing cities for a transition period of up to 10 years. It is based upon the CTED Annexation Study recommendations. The bill was originally formulated by and for the City of Kirkland, but has been modified for more general application.

The bill does not modify Boundary Review Board principles or procedures.

Additional bills of general interest include:

SB 5268 provides for assumption by ordinance of small special-purpose districts (i.e., those serving fewer than 250 customers) by cities of more than 100,000 population. The bill does not modify Boundary Review Board principles or procedures.

SB 5371 deals with systems and procedures relating to a utility district acquisition of facilities from a city. It would not appear to have widespread effect in general. The bill does not modify Boundary Review Board principles or procedures.

Mrs. Blauman reported that the general deadline for introduction of new bills occurs on February 18, 2005.

In order to remain viable a bill must be adopted by the appropriate committee in the house of origin no later than March 1st. Bills then go to the appropriate committee in the other house. Bills must be adopted by the Budget Committee and/or the Rules Committee in mid-March.

D. Executive Secretary's Report

Fairwood Incorporation: Mrs. Blauman reported that the Fairwood Incorporation Task Force has submitted a preliminary Notice of Intention and petitions with approximately 2200 signatures. As provided by RCW 36.93.116 and RCW 35.02.155, the petitions have been transmitted to the King County Office of Records and Elections for verification. The review of the petitions must be completed by approximately March 5, 2005, as prescribed by state law.

The Notice of Intention remains incomplete at this time. Special Assistant Attorney General Robert Kaufman and Mrs. Blauman are working with the Task Force to correct the errors and omissions in the Notice of Intention.

More specifically: Mr. Kaufman and Mrs. Blauman have been providing written documentation describing requirements for incorporation. Additionally, Mrs. Blauman

initiates regular telephone conferences with Ron Billock, Chair of the Task Force, in order to answer questions and provide status reports so as to encourage thorough understanding of requirements and actions by the Board.

King County is beginning the process of conducting the Incorporation Study and the Community Telephone Survey in order to provide base information to the Fairwood Task Force and to the Boundary Review Board for consideration of the proposed incorporation.

The City of Renton is pursuing annexation of the Maplewood Addition which is currently included in the preliminary Fairwood Incorporation boundaries. An effort is underway to submit this application in the very near future in order to comply with the provisions of RCW 36.93.116 and RCW 35.02.155, which permit the Board to simultaneously consider an incorporation (Fairwood) and a proposed annexation (Maplewood Addition) if the Notice of Intention for that annexation is filed with the Board within 90 days of the filing of the petitions for incorporation. As the incorporation petitions were filed with the County on February 1, 2005, the Notice of Intention for the Annexation would need to be filed early in May, 2005. If the City is not able to submit an annexation application by the due date, the citizens may later directly request of the Board the removal of the Maplewood Addition from the proposed Fairwood Incorporation.

At the request of the Board, Mr. Kaufman is continuing an investigation to identify the Growth Management Act polices and King County Comprehensive Plan/Countywide Planning Policies that address incorporation. Mr. Kaufman will provide a report on this matter to the Board in March 2005.

King County Boundary Review Board Orientation Programs: Mrs. Blauman reported that the Boundary Review Board Orientation Program will continue in March, 2005, with presentations on the Annual Growth Report (Chandler Felt) and the Comprehensive Plan (Karen Wolf.) In April, 2005, the Board will hear from Special Assistant Attorney General Robert Kaufman concerning basic authorities and responsibilities of the Boundary Review Board.

WSABRB Spring Workshop: WSABRB Chair Don Oehler, Susan Winchell and Kathy Mohebbi will be coordinating the Association's Spring Workshop (scheduled for May, 2005 in Ellensburg, Washington).

WSABRB Fall Conference: WSABRB Chair-Elect, Charles Booth, and the King County Board staff (Lenora Blauman and Reginald Holmes) will be coordinating programs for the Association's Fall Conference which is scheduled for September/October in Bellingham, Washington. For that event, logistics planning – e.g., facilities rentals, accommodations, registration – will be managed by Carole Korelin (Skagit County) and by Kathy Mohebbi (Whatcom County.)

The first planning meeting will take place in the near future. Ideas for program topics, speakers, and activities are welcome. Periodic status reports will be provided to the Boundary Review Board.

D. CORRESPONDENCE

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

VI. NEW BUSINESS

A. NOTICES OF INTENTION

No new files have been submitted to the Board. The City of Issaquah has advised that two major annexations – Klahanie and Greenwood – will be submitted in February/March 2005. The City of Renton has advised that six new annexations are en route to the Boundary Review Board. A proposal for a fire district merger is also en route to the Board.

B. PENDING FILES

Auburn	Covington
Kent	Ronald Sewer District
Woodinville	Kirkland
Federal Way	Renton (4 files)
Tukwila	Redmond

VII. ADJOURNMENT

Action Charles Booth moved and Michael Marchand seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:40 p.m.

WASHINGTON STATE ASSOCIATION OF BOUNDARY REVIEW BOARDS

POSITION PAPER

HB 1285: *AN ACT RELATING TO ANNEXATION; PROVIDING AUTHORIZATION FOR CITIES...TO FACILITATE ANNEXATIONS BETWEEN CITIES AND COUNTIES*

FEBRUARY, 2005

This bill would have the effect of streamlining the annexation process and thus bringing about an earlier realization of one of the precepts of the Growth Management Act, i.e., that cities are the appropriate providers of urban services in urban areas. However, it does so at the expense of another basic precept of good government, that of self-determination. One effect of this measure may be to further alienate citizens from their government.

Under present statute, any affected party can invoke jurisdiction of the boundary review board, a quasi-judicial body with no ties to any governmental entity, and which has been empowered by the Legislature to adjudicate annexation questions within the framework of the Boundary Review Board Act (RCW 36.93) and the Growth Management Act (RCW 36.70A). Under HB 1285, a citizen in an unincorporated area proposed for annexation would have no recourse except to the city and county legislative bodies. The independent forum provided by the boundary review board would be eliminated.

The Washington State Association of Boundary Review Boards, representing 90-some volunteer officials in 18 counties, adopted a Statement of Principles addressing issues emerging around implementation of the growth management act and initiatives in counties to facilitate annexation. Two of those principles are especially pertinent:

"The boundary-review process must remain open, accessible, and responsive. Government regulations and bureaucracies can be difficult, especially in such complicated matters as jurisdictional disputes. Any system must provide for qualified staff to advise all interested parties of their rights and responsibilities, to provide an objective evaluation of proposals according to statutory requirements, and to provide expert guidance. This function may be little noticed by observers of the present system, but it is essential to its success. If and when boundary review boards are discontinued, this function still would have to be carried out by some other agency.

"Decisions on jurisdictional matters must be fair, and equitable, and appear to be so. For citizens to retain confidence in their democratic institutions and the decisions that affect them, it must be clear that disputes are decided in an even-handed manner by disinterested arbiters. Parties involved in these matters include cities, counties, special-purpose districts, property owners and ratepayers and community organizations. Those deciding the dispute must not be tied to any of these interests."

In summary, the WSABRB does not support HB 1285 in its original form, because:

1. The bill would eliminate the only opportunity for citizens affected by these annexations to be heard by an impartial body. Such a situation could be called "annexation without representation."
2. The bill could reverse the progress achieved under the Boundary Review Board Act toward a more orderly system for deciding boundary matters, by eliminating an independent office equipped to provide expert guidance through the process.